

REMARKS/ARGUMENTS

Claims 1 and 37 have been amended to call for a carboxylate, salicylate, or phosphonate group in the Structure I compound as described on page 9, lines 17-23 of the specification.

Claims 10 and 82 have been amended to correct the grammar.

Claims 2-8, 11-36, 74-80, and 83-98 have been cancelled as directed to non-elected species of original Structure I. Applicants reserve the right to pursue cancelled subject matter in divisional applications.

Applicants respectfully request that the withdrawn claims that are dependent upon Claim 37 be rejoined to the elected claims since those dependent claims are directed to features of electrochromic device other than the compounds of Structure I upon which Applicants are relying for patentability.

Rejection Under 35 U.S.C. §102(b)

Claims 1, 9, and 10 have been rejected as anticipated by U.S. Patent 4,514,481 (Scozzafava et al.). This rejection is respectfully traversed. As noted above, Claim 1 has been amended to include the subject matter of page 9 as noted above and such groups are not described in the compounds shown in the cited reference. This amended claim is clearly novel over Scozzafava et al. Claims 9 and 10 are novel by virtue of the novelty of amended Claim 1.

Rejection Under 35 U.S.C. §103(a)

Claims 37, 81, and 82 have been rejected as unpatentable over the combination of Scozzafava et al. taken with U.S. Patent 4,324,622 (Deb). This rejection is respectfully traversed.

Claim 37 has been amended similarly to Claim 1 and thus, the applicability of Scozzafava et al. is diminished. Moreover, there is no reason for the teaching in Scozzafava et al. to be combined with Deb. The compound of Table I in Scozzafava et al. is taught therein as useful in electrophotographic elements that are operable to provide conductivity and imaging upon exposure to radiation of some type. There is no teaching of color changes in such elements.

Nothing in the operation or mechanisms of electrophotography would suggest that Applicants' compounds, would be also be useful in

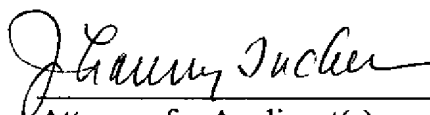
electrochromic devices in which a color change is generated. The chemistry and mechanisms of operation are very different and one does not suggest the other.

Moreover, there is no teaching in either cited reference that the electrochromic compounds should have a functional group that provides irreversible chemisorption as provided by the presence of the carboxylate, salicylate, and phosphonate groups in the compounds used in the presently claimed invention.

Likewise Claims 81 and 82 are patentable by virtue of the patentability of Claim 37.

In view of the foregoing amendments and remarks, reconsideration of this patent application is respectfully requested. A prompt and favorable action by the examiner is earnestly solicited.

Respectfully submitted,

A handwritten signature in cursive script, reading "J. Lanny Tucker", written over a horizontal line.

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